



[REDACTED]

23rd March 2020

Subject: Appeal against felling licence decision FAC333/2019 CN06-FL0039

Dear [REDACTED]

I refer to your appeal to the Forestry Appeals Committee (FAC) in relation to the above licence issued by the Minister for Agriculture, Food and the Marine. The FAC established in accordance with Section 14 A (1) of the Agriculture Appeals Act 2001 has now completed an examination of the facts and evidence provided by all parties to the appeal.

Background

A felling licence, CN06-FL0039, for the felling of 4.80ha at Bellamont Forest, Co. Cavan was approved on 22nd October 2019.

Hearing

A hearing of appeal FAC333/2019 CN06-FL0039 was conducted by the FAC at the Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois on the 9th March 2020

In attendance at the hearing:

FAC Members: Mr. Des Johnson (Chairperson), Ms. Mary Lawlor & Mr Vincent Upton

Decision

Having regard to the evidence before it and, in particular, the considerations and reasoning set out below, the FAC has decided to confirm the decision of the Minister regarding licence CN06-FL0039.

The proposal is for a tree felling licence on a stated area of 4.80ha at Bellamont Forest, Co. Cavan. It forms part of a large area of forestry at this location. The site is bounded to the south and east by a forestry track and is adjacent to the Dromore River to the west. Dromore Lough is a short distance to the north-east. There is a sizeable industrial complex (Abbott Ireland) to the south-west on the opposite bank of the Dromore River. The wider area is rural and agricultural in character and has a generally dispersed settlement pattern. The Licence under appeal was granted on 22nd October 2019 subject to 9 standard conditions.

There is a single third-party appeal against the DAFM decision. The grounds of appeal state that the requirements of the Habitats and EIA Directives were not met by the DAFM before issuing its decision,

there would be impact on the Dromore Lake pNHA which is protected under the County Development Plan, the proposal is one of 4 applications in this area for felling and, as such, is project splitting, there is continuous hydrological connectivity between the nearby Dromore Lake and the Lough Oughter Natura 2000 sites, and no assessment was made of cumulative effects.

Before coming to its decision to confirm the licence the Forestry Appeals Committee (FAC) examined the requirement for EIA and undertook a Stage 1 screening for Appropriate Assessment; these are contained on the public file.

The FAC considered the characteristics of the proposed project, the location of the project (including the characteristics of the surrounding environment) and the characteristics of likely impacts arising on environmental factors listed in Article 3 of the EIA Directive. On the issue of environmental impact assessment, the FAC concluded as follows:

- The proposal is for clearfelling and, by itself, does not involve any change in land use and, as such, does not fall within a class of development covered by the EIA Directive or Irish Regulations
- The proposal, when considered with other proposals for clearfelling in this location, comprising 16ha spread over a distance of 2.6km and not involving a change in land use, does not fall within a class of development covered by the EIA Directive or Irish Regulations
- The proposal by itself, or considered together with other clearfelling proposals in the area, does not involve the carrying out of any works which would, in themselves, come within a class of development covered by the EIA Directive

Notwithstanding the above conclusions, the FAC considered potential for cumulative impacts arising from the proposed project and other plans and projects on the environment. It concluded that, while it is likely that there would be some short-term impacts, both positive and negative, none of these would be significant and that, as such, there is no likelihood of significant effects on the environment arising. Specifically, in respect of Dromore Lake (pNHA), the FAC concluded that the proposal alone or in combination would not be likely to give rise to significant effects.

The nearest Natura 2000 sites are in excess of 15km from the proposed site. These are the Lough Oughter and Associated Loughs SAC, which is hydrologically separated by approximately 22.9km, and the Lough Oughter SPA, which has a separation distance of 21.4km approximately. The FAC considered the conservation objectives for these two sites and concluded, having regard to the nature and scale of the proposal, the characteristics of other projects in the area, including other forestry projects, and the separation distances to the listed Natura 2000 sites, the proposed development by itself, or in combination, would not give rise to any possible effects on Natura 2000 sites, having regard to the conservation objectives for such sites.

The FAC concluded that the proposal is consistent with Government policy and Good Forestry practice and would not be detrimental to the amenities of the area.

Before making its decision, the FAC considered all of the information submitted with the application, the processing of the application by the DAFM, the grounds of appeal and submissions and observations received, information contained in a Consultant's report providing background details and information relating to relevant Natura 2000 sites (report on the public file) and carried out a Stage 1 screening for appropriate assessment.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Des Johnson', with a small dot at the end.

Des Johnson On Behalf of the Forestry Appeals Committee

